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DEC - 9 1994

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OFFICE OF THE SECRETARY

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December 9, 1994

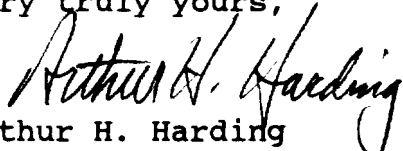
*NEW YORK AND NEW JERSEY BARS ONLY

HAND DELIVEREDMr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554Re: Ex parte Notice - MM Docket 92-260 and RM-8380

Dear Mr. Caton:

In accordance with Section 1.1200 et seq. of the Commission's rules, this is to advise that on Thursday, December 8, 1994, Richard Aurelio, President, Time Warner New York City Cable Group ("TWCNYC"); Robert S. Jacobs, Vice President and General Counsel, TWCNYC; Larry Pestana, Vice President of Engineering, Paragon Cable Manhattan; Carol Melton, Vice President, Law and Public Policy, Time Warner Inc.; and Arthur H. Harding of Fleischman and Walsh, L.L.P. met with Chairman Reed E. Hundt, Merrill Spiegel, Esq., and James Olson; and with Jill M. Lockett, special advisor to Commissioner Chong, to discuss issues affecting the above-referenced proceedings. The discussion involved presenting Time Warner's position on cable home wiring issues as summarized in the attached materials to be associated with the appropriate dockets and set forth more fully in formal comments filed by Time Warner Entertainment Company, L.P. in such proceedings.

Very truly yours,


Arthur H. Harding
Counsel for Time Warner
Entertainment Company, L.P.

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DEC - 9 1994

HOME WIRING

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

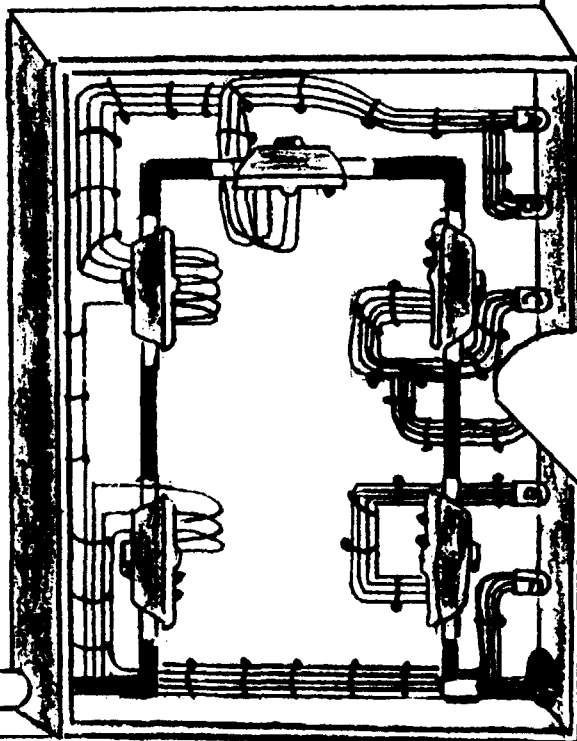
- There is no need to alter the home wiring point of demarcation for MDU buildings.
 - The demarcation point established by the Commission, "at or about twelve inches" from the point where the cable wiring enters the individual dwelling unit, is a fair and workable approach.
 - Forcing the cable operator to cede ownership of hundreds of feet of its distribution plant beyond the point of demarcation and outside individual dwelling units would be unwarranted.
 - The legislative history of the 1992 Cable Act makes clear that the scope of the home wiring provision is limited to "the cable installed within the interior premises of a subscriber's dwelling unit," and that it "does not apply to any wiring, equipment or property located outside the home or dwelling unit."
 - In the vast majority of MDU buildings, the existing point of demarcation is readily accessible either at the initial wallplate within the dwelling unit or where distribution cables running through common areas (i.e., wiremold in hallways) enters individual dwelling units.
 - Even in MDUs where the cable operator has run its distribution cable through conduits which are generally inaccessible within the walls or floors of the building, competing MVPDs can nevertheless access truly internal wiring at the wallplate or other point where wiring actually enters the dwelling unit.
 - Under the Commission's present rules, competing MVPDs are appropriately required to construct and maintain their own separate distribution facilities running to each unit within an MDU building. MDU residents retain total freedom to use internal wiring within their units to receive service from the MVPD of their choice.
 - The rule changes advocated by telephone companies and unfranchised MVPDs would allow them to seize valuable portions of a cable operator's distribution plant, cutting off access by the cable operator to end users, thereby thwarting competition.
 - Even where a MDU resident discontinues service from a cable operator to receive service from a competing MVPD, the cable operator needs to retain its distribution facility all the way to the resident's dwelling unit so the cable operators can continue to

market alternative or supplementary services to that resident (i.e., pay-per-view, interactive games, alternate access, etc.)

- The Commission's recent Video Dialtone decision recognizes the importance of a policy which seeks to promote the construction of multiple sets of end-to-end distribution facilities in order to achieve maximum competition.
- 170 East 87th Street provides a prime example of the unfairness of forcing cable operators to cede ownership of critical portions of their distribution facilities to competitors.
- The changes proposed to the home wiring rules in various petitions for reconsideration would render the rules unconstitutional because they would result in a taking of cable operators' property without an adjudicatory proceeding to determine just compensation.
- The Commission should retain its exclusion for loop-through or other similar series cable configurations.
- The home wiring rules should not apply to splitters or other devices used to transmit signals to other MDU residents.
- The Commission should reaffirm that the "home wiring" rules are intended exclusively for the benefit of the recipients of video programming services, i.e., the actual residents of MDUs, not the landlord or building owner.
 - If landlords are allowed to invoke the home wiring rules, rather than MDU residents, landlords will be allowed to continue to "shake down" cable operators.
 - More importantly, landlords should not be allowed to employ the home wiring rules so as to thwart the ability of the subsequent MDU resident to obtain video programming service from the provider of their choice.
 - The Commission should reject arguments by the National Private Cable Association and others that would enable landlords to interfere with a tenant's choice to receive video programming from the franchised cable operator or any alternate provider.
 - Where a cable operator declines to exercise its right to remove internal wiring upon the vacancy of MDU premises, such wiring should be deemed to be available for the benefit of the subsequent occupant. Neither

the landlord nor the cable operator should be allowed to interfere with this right.



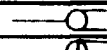


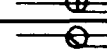
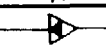

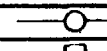
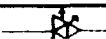
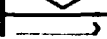
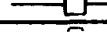


- The home wiring rules are applicable only upon termination of service by a subscriber.
 - The plain statutory language of the 1992 Cable Act clearly states that the home wiring provisions apply only "after a subscriber to a cable system terminates service."
 - Unlike telephone wiring, it is physically and technically impracticable for two competitors to simultaneously deliver traditional cable services over the same wiring.
 - If the Commission truly wants to foster competition, it must encourage each competitor to construct its own distribution infrastructure all the way to the subscriber. This is the only way the subscriber can enjoy a seamless transition between competing services, as well as the ability to receive selected services from each competitor simultaneously.
 - If the cable operator loses control over home wiring before termination of service, the ability of the Commission to detect parties responsible for signal leakage will be seriously impaired.



PARAGON RISER BOX AND CONDUIT

22 ND FLR.

SYSTEM DESIGN SYMBOLS

412" CABLE		TRUNK BRIDGING		LINE EXTENDER		2 WAY SPLITTER
500" CABLE		2 WAY TRUNK-BRDB ALC.		2 WAY LINE EXTENDER		3 WAY SPLITTER
750" CABLE		2 WAY TRUNK		POWER SUPPLY & COUPLER		DIRECTIONAL COUPLER
1000" CABLE		2 WAY TRUNK BND8 W/ALC.		IN LINE EQUALIZER		TAP 2 WAY
						TAP 4 WAY



PARAGON
CABLE

MANHATTAN

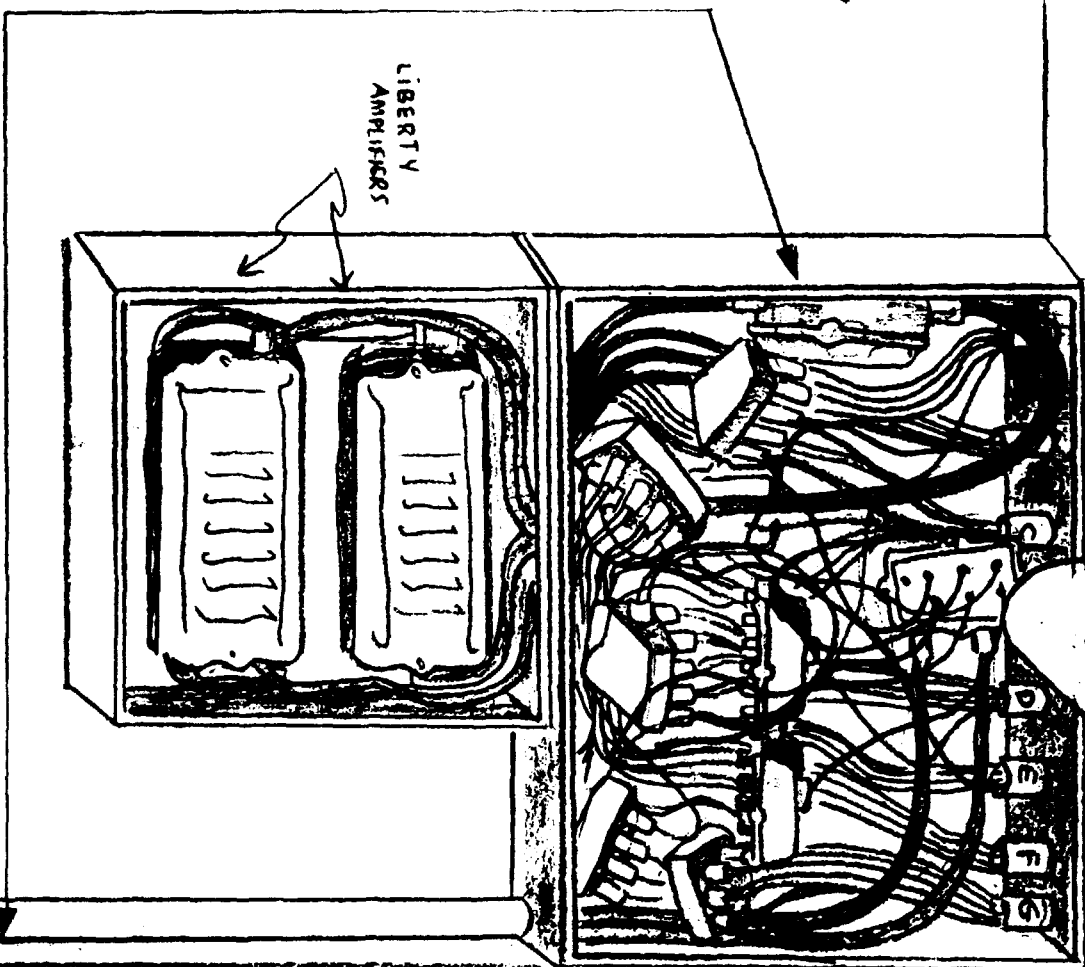
PROJECT NO.

BLOCK

LOT

TITLE

200 E 89 TH ST.



LIBERTY
AMPLIFIERS

LIBERTY SYSTEM UTILIZING

PARAGON RISER BOX AND CONDUIT

22 ND FLR.

SYSTEM DESIGN SYMBOLS

412" CABLE	TRUNK BRIDGING	LINE EXTENDER	2 WAY SPLITTER
500" CABLE	2 WAY TRUNK-BRIDG ALC.	2 WAY LINE EXTENDER	3 WAY SPLITTER
750" CABLE	2 WAY TRUNK	POWER SUPPLY & COUPLER	DIRECTIONAL COUPLER
1000" CABLE	2 WAY TRUNK BRIDG W/ALC.	IN LINE EQUALIZER	TAP 2 WAY
		TERMINATION	TAP 4 WAY

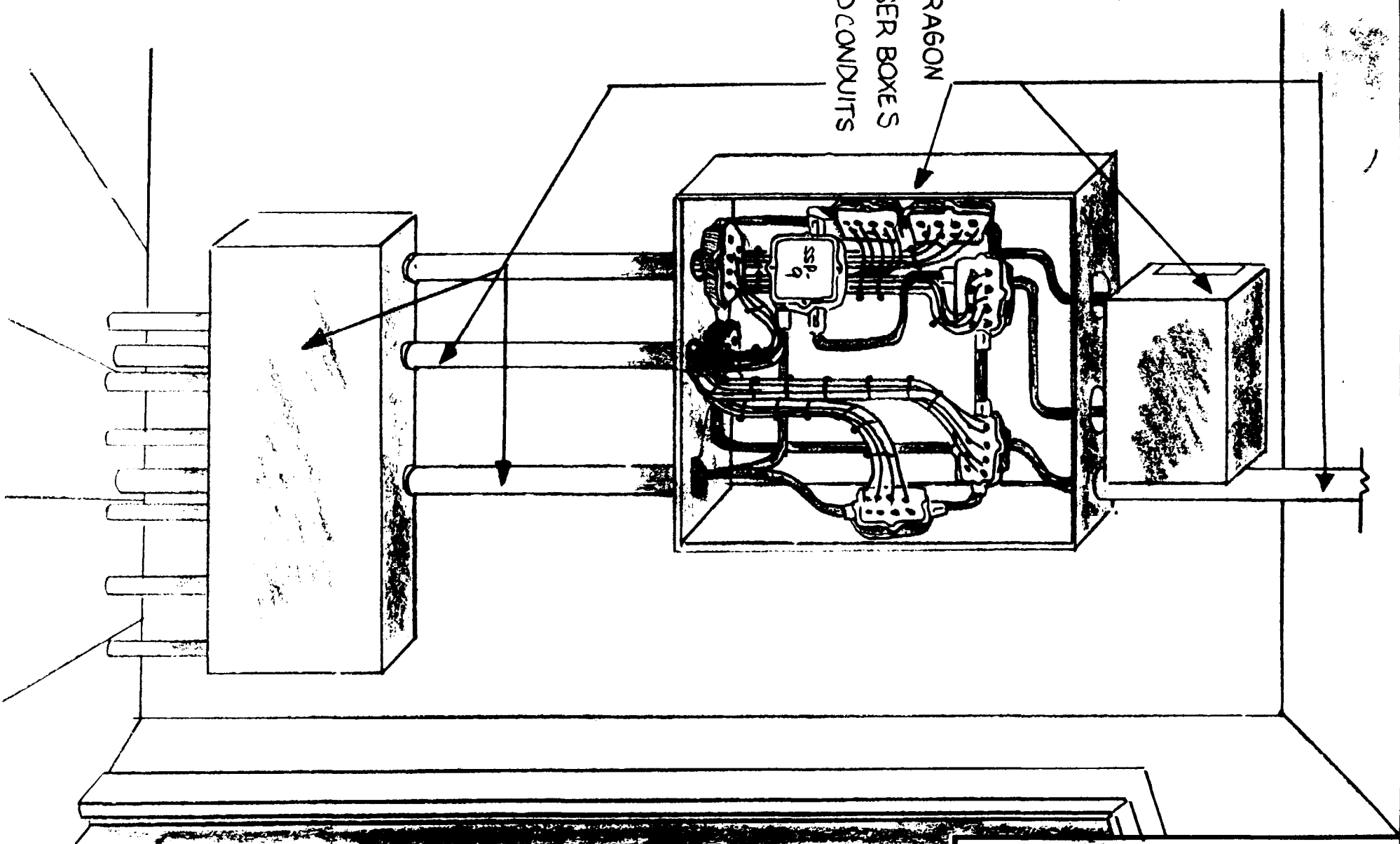


PARAGON
CABLE

MANHATTAN

PROJECT NO.	BLOCK	LOT
TITLE 200 E 89 TH ST.		
DATE		

PARAGON
RISER BOXES
AND CONDUITS



BEFORE

SYSTEM DESIGN SYMBOLS

412" CABLE	TRUNK BRIDGING	LINE EXTENDER	2 WAY SPLITTER
500" CABLE	2 WAY TRUNK-BRIG ALC.	2 WAY LINE EXTENDER	3 WAY SPLITTER
750" CABLE	2 WAY TRUNK	POWER SUPPLY & COUPLER	DIRECTIONAL COUPLER
1000" CABLE	2 WAY TRUNK BRIG W/AI.C.	IN LINE EQUALIZER	TAP 2 WAY
		TERMINATION	TAP 4 WAY

PARAGON CABLE MANHATTAN		PROJECT NO.	BLOCK	LOT
		TITLE 170 E 87 TH ST.		

SERVICE DOOR

PARAGON
RISER BOXES
AND CONDUITS

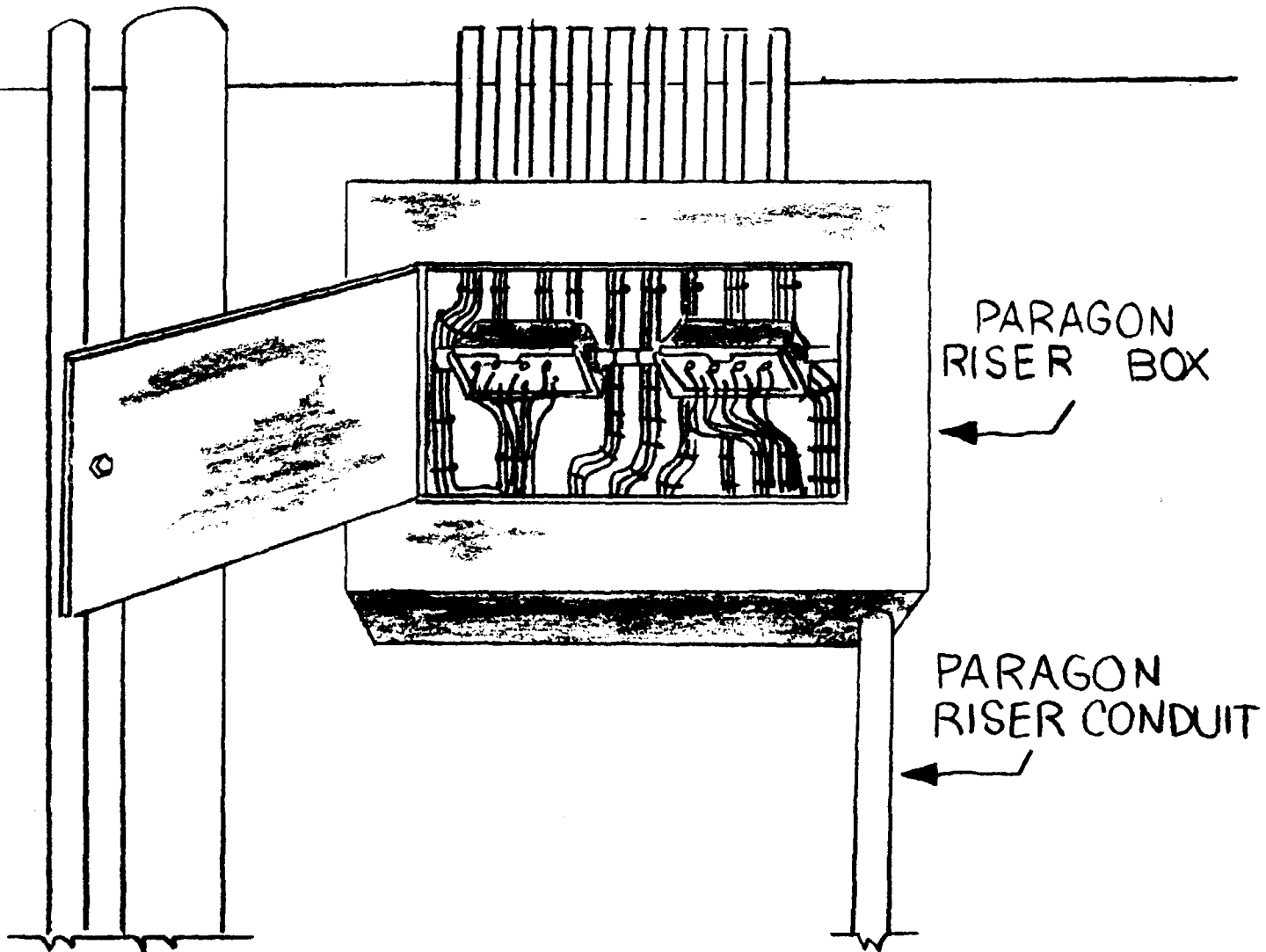
NOTE:

LIBERTY TAPS AND
CABLES UTILIZING
PARAGON PROPERTY.

PARAGON CABLE		LOT
MANHATTAN		BLOCK
PROJECT NO.	TITLE	
	170 E 87 TH ST	

SYSTEM DESIGN SYMBOLS			
41/2" CABLE	TRUNK BRIDGING	LINE EXTENDER	2 WAY SPLITTER
500" CABLE	2 WAY TRUNK BRIDGING ALC.	2 WAY LINE EXTENDER	3 WAY SPLITTER
750" CABLE	2 WAY TRUNK	POWER SUPPLY & COUPLER	DIRECTIONAL COUPLER
1000" CABLE	2 WAY TRUNK BRIDGING W/ALC	IN LINE EQUALIZER	TAP 2 WAY
			TAP 4 WAY

29TH FLR.



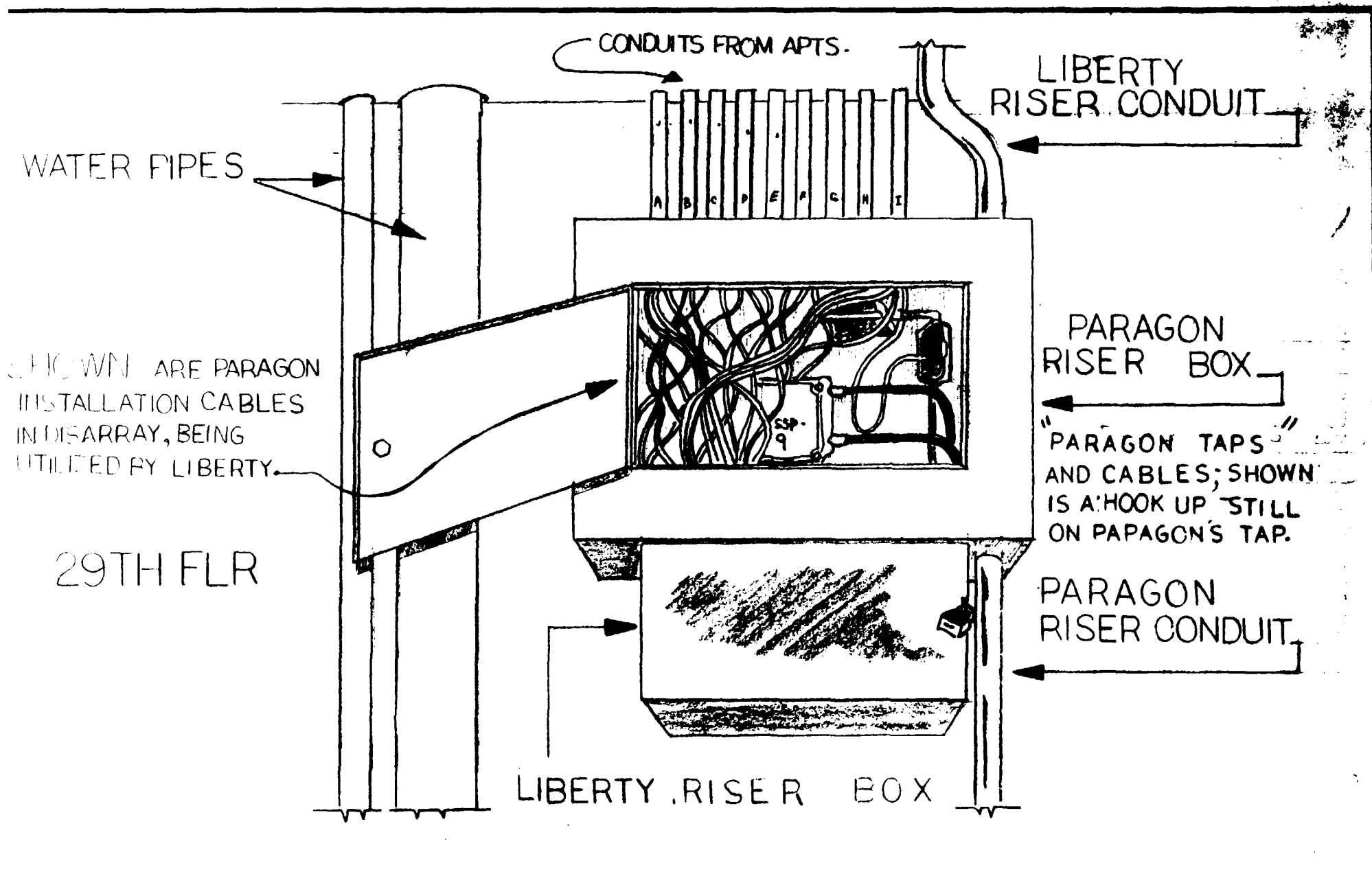
SYSTEM DESIGN SYMBOLS

412" CABLE	TRUNK BRIDGING	LINE EXTENDER	2 WAY SPLITTER
500" CABLE	2 WAY TRUNK BRGS ALC.	2 WAY LINE EXTENDER	3 WAY SPLITTER
750" CABLE	2 WAY TRUNK	POWER SUPPLY & COUPLER	DIRECTIONAL COUPLER
1000" CABLE	2 WAY TRUNK BRGS W/ALC	IN LINE EQUALIZER	TAP 2 WAY
		TERMINATION	TAP 4 WAY
			TAP 8 WAY




PARAGON
CABLE
MANHATTAN

PROJECT NO.	BLOCK	LOT
TITLE 182 E 95TH ST.		
DATE 8-8-01	SCALE	DRAWN BY



AFTER

SYSTEM DESIGN SYMBOLS																		
412" CABLE		TRUNK BRIDGING		LINE EXTENDER		2 WAY SPLITTER	<div><p>PARAGON CABLE MANHATTAN</p><table><tr><td>PROJECT NO</td><td>BLOCK</td><td>LOT</td></tr><tr><td colspan="3">TITLE 182 E 95TH ST.</td></tr><tr><td>DATE 7/2/84</td><td>DESIGNER</td><td>DRWING</td></tr></table></div>			PROJECT NO	BLOCK	LOT	TITLE 182 E 95TH ST.			DATE 7/2/84	DESIGNER	DRWING
PROJECT NO	BLOCK	LOT																
TITLE 182 E 95TH ST.																		
DATE 7/2/84	DESIGNER	DRWING																
500" CABLE		2 WAY TRUNK BRDG ALC.		2 WAY LINE EXTENDER		3 WAY SPLITTER												
750" CABLE		2 WAY TRUNK		POWER SUPPLY & COUPLER		DIRECTIONAL COUPLER												
1000" CABLE		2 WAY TRUNK BRDG W/ALC		IN LINE EQUALIZER		TAP 2 WAY												
				TERMINATION		TAP 4 WAY												
						TAP 8 WAY												